

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBERT CORAL,)	
)	
Petitioner,)	
)	
v.)	No. 2:05cv1112-F
)	
)	
DONAL CAMPBELL,)	
Commissioner, Department of)	
Corrections, State of Alabama,)	
)	
Respondent.)	

**RESPONSE TO PETITIONER’S MOTION FOR ORDER TO
RELEASE MEDICAL RECORDS**

Comes now the Respondent in the above-styled cause, by and through the Attorney General for the State of Alabama, and files the following response to Coral’s Motion For Order To Release Medical Records. In support of this motion, Respondent shows as follows:

1. On November 18, 2005, Coral, pursuant to 28 U.S.C §2254, filed his habeas corpus petition in this Court. Coral’s petition is 36 pages in length and contains 20 claims, many of which contain numerous sub-parts. Coral also filed several accompanying motions with his petition, including a Motion For Order To Release Medical Records.

2. On November 30, 2005, this Court entered an order requiring Respondent to show cause why Coral's Motion For Order To Release Medical Records should not be granted.

3. In his motion, Coral asks that this Court "grant leave under Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts to order the respondent to provide the requested records." (Doc. #3 at 1)

4. Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts provides, as follows:

(a) **Leave of court required.** A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery. (emphasis added)

5. Respondent would initially point out that nowhere in his petition does Coral argue that he is incompetent and, therefore, unable to participate in these proceedings. In fact, the issue of competency does not come up a single time - in any capacity - in Coral's petition.

6. Furthermore, Coral cites only one federal case in support of his request - Rohan ex rel. Gates v. Woodford, 334 F.3d 803, 813 (9th Cir. 2002) - a case that is easily distinguishable from this case based on a preliminary, procedural matter. Gates, unlike Coral, asserted the claim that he was

“currently incompetent” and unable to “communicate rationally” with his attorneys. Coral has made no such claim.

7. Coral cannot provide this Court with an explanation as to how this request for medical records relates to any present claim in his petition, because no such claim has been made. It is impossible for Coral to show “good cause,” as required by Rule 6, when his discovery request does not relate to any claim in his petition.

8. In so many words, Coral concedes in his Motion For Order To Release Medical Records that these records are sought for the single purpose of determining where of not to even raise a claim regarding his competency. (Doc. #3) It appears that Coral is merely “fishing” for material that may or may not suggest that a competency claim should even be raised.

WHEREFORE, Respondent respectfully requests that this Court deny Coral’s Motion For Order To Release Medical Records. If this Court, however, decides to grant Coral’s Motion and orders the release of his medical records from 2000 to present, Respondent requests that this Court

further order that Respondent receive a copy of those records as well.

Respectfully submitted,

Troy King
Attorney General

/s/ Anne C. Adams
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Assistant Attorney General
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December 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2005, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following: **LaJuana Davis.**

/s/ Anne C. Adams

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Assistant Attorney General
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